

**House File 2136 - Introduced**

HOUSE FILE 2136  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 550)  
(SUCCESSOR TO HSB 149)

**A BILL FOR**

1 An Act relating to medical personnel authorized to withdraw a  
2 specimen of blood from a person suspected of operating while  
3 intoxicated.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.11, subsection 1, Code 2024, is  
2 amended to read as follows:

3 1. Only a licensed physician, licensed physician assistant  
4 ~~as defined in [section 148C.1](#)~~, emergency medical technician if  
5 authorized by the technician's designated medical director,  
6 emergency medical technician-paramedic if authorized by the  
7 technician-paramedic's designated medical director, medical  
8 technologist, or registered nurse, licensed practical nurse,  
9 medical laboratory technician, phlebotomist, laboratory  
10 assistant, or other qualified person acting at the request of a  
11 peace officer, may withdraw a specimen of blood for the purpose  
12 of determining the alcohol concentration or the presence of  
13 a controlled substance or other drugs. However, any peace  
14 officer, using devices and methods approved by the commissioner  
15 of public safety, may take a specimen of a person's breath or  
16 urine for the purpose of determining the alcohol concentration,  
17 or may take a specimen of a person's urine for the purpose of  
18 determining the presence of a controlled substance or other  
19 drugs. Except in cases of negligence while withdrawing a  
20 specimen of blood, a person authorized to withdraw a specimen  
21 of blood under this subsection who acts reasonably, in good  
22 faith, and in accordance with standard medical procedures,  
23 shall not be liable in any civil or criminal action for the  
24 withdrawal of the specimen. Only new equipment kept under  
25 strictly sanitary and sterile conditions shall be used for  
26 drawing blood.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 Under current law, when a person is suspected of operating  
31 a motor vehicle in violation of Code chapter 321J (operating  
32 while intoxicated), only a licensed physician, licensed  
33 physician assistant, medical technologist, or registered nurse,  
34 who is acting at the request of a peace officer, may withdraw a  
35 specimen of blood for the purpose of determining the alcohol

1 concentration or the presence of a controlled substance or  
2 other drugs.

3 This bill expands the list of persons authorized to withdraw  
4 a specimen of blood. Under the bill, an emergency medical  
5 technician if authorized by the technician's designated medical  
6 director, emergency medical technician-paramedic if authorized  
7 by the technician-paramedic's designated medical director,  
8 licensed practical nurse, medical laboratory technician,  
9 phlebotomist, laboratory assistant, and other qualified persons  
10 are also authorized to withdraw a specimen of blood. The  
11 bill shields all authorized persons from civil and criminal  
12 liability for the withdrawal of a specimen of blood, except in  
13 cases of negligence, so long as the person acts reasonably, in  
14 good faith, and in accordance with standard medical procedures.